

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SJR 882

INTRODUCER: Senator Bean

SUBJECT: Election of Secretary of State/Membership of Cabinet

DATE: February 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carlton</u>	<u>Ulrich</u>	<u>EE</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SJR 882 makes the Secretary of State a statewide elected office as of June 1, 2019, and makes the Secretary a member of the Florida Cabinet. The Governor will appoint a person to serve as the Secretary of State until January 3, 2023. That appointment is subject to confirmation by the Senate. Beginning in 2022, and every four years thereafter, the Secretary of State will be elected concurrently with the other members of the Florida Cabinet.

The joint resolution specifically directs the Legislature to enact implementing legislation by June 1, 2019.

If passed by a three-fifths vote of each house of the Legislature, the proposal will be voted on at the general election in November 2018; sixty percent of those voting on the measure is required for approval.

II. Present Situation:

A joint resolution is the only authorized method by which the Legislature may propose amendments to the State Constitution. If passed, the proposed amendment would appear on a statewide ballot for voter approval or rejection. It must pass each house by a three-fifths vote of the membership. A joint resolution is also used for redistricting.¹

Changes to the Florida Constitution can be proposed by a joint resolution of the Legislature, constitutional revision commission, citizens' initiative process, or taxation and budget commission.² If the proposed amendment is approved by vote of at least sixty percent of the electors voting on the measure, it will become effective as an amendment on the first Tuesday

¹ *The Florida Senate, Glossary*, <http://www.flsenate.gov/Reference/Glossary#resolution> (last visited February 11, 2016).

² FLA. CONST. art. XI.

after the first Monday in January following the election, or on such other date as may be specified in the amendment.³

Secretary of State

The Secretary of State (“Secretary”) is the state’s chief of elections, chief cultural officer and head of the Department of State.⁴ The Department consists of the Office of the Secretary and the Divisions of Administrative Services, Corporations, Cultural Affairs, Elections, Historical Resources, and Library and Information Services.

Since 2003, the position of Florida Secretary of State has been an *appointed, non-Cabinet* post.

Prior to that time, the Secretary was an *elected Cabinet* position — one of six serving members in addition to the Governor. The 2003 change was the result of a 1998 amendment to the Florida Constitution that restructured the Cabinet from 6 to 3 officers⁵ (plus the governor), as well as making other governmental operations changes⁶; the amendment was one of several proposed by the Constitution Revision Commission (“CRC”).

III. Effect of Proposed Changes:

SJR 882 makes the Secretary of State a statewide elected office and member of the Florida Cabinet. If passed by a three-fifths vote of the Legislature, SJR 882 would be placed on the ballot in 2018. If passed by more than 60% of the voters in the 2018 election, the Governor is required to appoint the Secretary for a term beginning June 1, 2019. The Governor’s appointment is subject to confirmation by the Florida Senate. SJR 882 requires the person appointed to serve as Secretary to meet the same qualifications⁷ that apply to the other members of the Florida Cabinet. This process maintains the current election cycle for all members of the Florida Cabinet and allows the Secretary to be installed on the Florida Cabinet in an expeditious and reasonable manner and without the costs of having to conduct a statewide special election. Then, beginning with the 2022 general election, the office of Secretary of State will be filled by election concurrently with the other members of the Florida Cabinet every four years. As is the case with all members of the Florida Cabinet, the Secretary will be subject to the eight-year term limits applicable to other members of the Cabinet pursuant to Art. IV, s. 4, of the Florida Constitution.

SJR 882 requires the Legislature to enact implementing legislation that includes any conforming changes to the Florida Statutes made necessary by the reorganization of the Florida Cabinet.

³ FLA. CONST. art. XI, s. 5.

⁴ See <http://dos.myflorida.com/about-the-department/> (last visited on February 11, 2016).

⁵ Florida’s Attorney General, Chief Financial Officer, and the Commissioner of Agriculture.

⁶ Constitution Revision Commission Amendment 8 (1998), *Restructuring the State Cabinet* (available at Florida Secretary of State’s web site at: <http://dos.elections.myflorida.com/initiatives/fulltext/pdf/11-4.pdf> (last accessed January 27, 2016).

⁷ Each cabinet member must be an elector not less than 30 years of age and must have resided in the state for the preceding 7 years. FLA. CONST. art. IV, s. 5(b).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

According to the Division, the cost to advertise constitutional amendments for the 2016 primary and general election cycle was \$117.56 per word. Using 2016 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets for the *2018 general election could be \$85,758.54*, at a minimum. This cost estimate is contingent on multiple amendments needing advertising, as there is an inverse relationship between the price per word and the length of the advertisements. If no other amendments needed to be advertised, the price per word would be significantly higher. Accurate cost estimates cannot be determined until the total number of amendments to be advertised is known. Total expenses related to constitutional amendment advertising for the 2018 election cycle are likely to be significant, as the 2018 ballot will include amendments placed there by the Constitutional Revision Commission (when the Commission last met in 1998, 13 amendments were placed on the ballot). Amendments can also be placed on the ballot via the initiative petition process, or by a joint resolution of the Florida Legislature, but so far, no amendments have yet made it to the 2018 ballot.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This joint resolution substantially amends Article IV of the Florida Constitution and creates an implementation schedule in Article XII.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.